

CHAPTER OVERVIEW

This chapter describes how long records are to be retained as well as time frames for expungement.

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4.1 CA/N Reports

Listed below are time frames for retention or expungement of CA/N and other reports, according to that which is/was established in section 210.152 (1) through (4), RSMo. The automated computer system will generate a list of reports that are due for expungement. When the list arrives in the County Office, the report will have been expunged from the computer system. Local staff is to destroy the paper copy of the records.

Determine status:

- a. Retain all "court adjudicated" reports indefinitely if the court adjudication occurs on or after August 28, 1991. "Court adjudicated" cases adjudicated before August 28, 1991, shall be destroyed ten years from the date of the CA/N report or case closing, whichever is later;
- b. Retain all reports found to be "probable cause" that are received on or after August 28, 1994, through August 27, 2004.
- c. Retain all reports found to be "Preponderance of Evidence" that are received on or after August 28, 2004.
- d. Destroy record ten years from date of report or closing of a case, whichever is later, if coded as "reason to suspect" or "unable to locate" through August 27, 1994.

e. CA/N conclusions "unsubstantiated," "unsubstantiated – preventive services Indicated," will be destroyed as follows:

- 1) Effective August 28, 2000 through August 27, 2004, reports screened as investigations, where insufficient evidence of abuse or neglect is found by the division and the report has been initiated by a mandated reporter, shall be destroyed by the division ten years from the date of the report. Effective August 28, 2004, reports screened as investigations, where insufficient evidence of abuse or neglect is found by the division and the report has been initiated by a mandated reporter, shall be destroyed by the division five years from the date of the report. All other investigation reports received after August 28, 2000, where insufficient evidence of abuse or neglect is found by the division, shall be destroyed by the division two years from the date of the report.
- 2) If the CA/N report was received on August 28, 1999, through August 27, 2000, the case shall be destroyed two years from the date of the CA/N report finding. If a case is opened as a result of the CA/N report or subsequent reports are received, the record will be destroyed five years from the date of the case closing or from the date of the last report, if there were subsequent reports, whichever is later.
- 3) If the CA/N report was received between August 28, 1991, and August 27, 1999, the case shall be destroyed five years from the date of the CA/N report, case closing, or from the date of the last report if there were subsequent reports.
- 4) If the CA/N report was received before August 28, 1991, information pertaining to the investigation shall be destroyed 90 days from the CA/N report date.

NOTE: If further exculpatory documentation (evidence which provides additional proof that abuse/neglect did not occur) becomes available, the information should be added to the investigative record.
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5. CA/N reports with conclusions of "located out of state," and "home schooling" will be destroyed five years from the date of the report, case closing, or from the date of the last report if there were subsequent reports.
6. Destroy record immediately if CA/N conclusion is "inappropriate report."
7. Retain family intervention determination cases indefinitely.

4.1.1 Family Assessments

Family assessments completed in response to a CA/N report are retained indefinitely.

4.1.2 Newborn Crisis Assessment

Newborn crisis assessment ("A" reports), non-caretaker referral ("N" reports), and preventive service referral ("P" reports) records are expunged at five years after the closing date.

4.1.3 Mandated Reporter Referrals

Mandated reporter referrals ("M" reports) are destroyed at five years unless a Family Assessment/Services record (FCS) was already open at the time of the referral or is opened subsequent to the referral. In the above situations, the information should be placed in the record and retained based on policy.

4.1.4 Unable to Locate Records

Requests for copies of case records may be received from many sources including a family's legal representative, the reporter, medical personnel, interdisciplinary team members and others. See section 5.2.5 for information on release of case information.

If the physical case record cannot be located, staff should expunge the information in the Child Abuse and Neglect automated system using the AEXP (Child Abuse/Neglect Expunge) transaction. However, data in the CA/N automated system should be expunged only after a thorough and complete search for the physical case record has been conducted.

Expungement Timeframes					
Court Adjudicated	Before 8/28/91, Expunge 10 years from date of CA/N Report or case closing	On or after 8/28/91, Retain indefinitely			
Reason to Suspect	Before 8/27/94, Destroy 10 years from date of report or closing of case (whichever is later.)		N/A		
Probable Cause	N/A		On or after 8/28/94 through 8/27/04 - Retain Indefinitely		N/A
Preponderance of Evidence	N/A				On or After 8/28/04, Retain Indefinitely
Unsubstantiated or Unsubstantiated-Preventive Services Indicated	Before 8/28/91	On or after August 28, 1991 through August 27, 1999,	On or after 8/28/99 through and 8/27/00	On or After 8/28/00	
	All information pertaining to the Investigation shall be destroyed 90 days from the CA/N report date	The case shall be destroyed five years from the date of the CA/N report, case closing or from the date of the last report if there were subsequent reports.	Destroy two years from the date of CA/N report finding or if a case is opened as a result of CA/N report or subsequent reports are received destroy five years from the case closing or from the date of the last subsequent report, whichever is later.	If made by permissive reporter destroy 2 years from the date of CA/N report	
				On or after 8/28/00 through 8/27/04 If the ca/n was made by a mandated reporter destroy 10 years from the date of CA/N report	On or after 8/28/04 If the ca/n was made by a mandated reporter destroy 5 years from the date of CA/N report
Located Out of State or Home Schooling	Destroyed five years from the date of the report, case closing or from the date of the last report if there were subsequent reports.				
Inappropriate Report	Destroy record immediately if CA/N is concluded as “Inappropriate Report”.				
Unable to Locate	Destroy 10 years from date of report or closing of a case (whichever is later.)				
Family Assessments	Retain Indefinitely				
A, M, N, and P, Referrals	Destroy 5 years after closing date unless an FCS case was open at the time of the referral or subsequent to the referral. In the above situations, the information should be placed in the record and retained based on policy.				
F-Referrals	Retain Indefinitely				

4.2 Retention and Destruction – Other Records

Policies regarding the retention and destruction of other records are as follows:

4.2.1 Adoption Records

Adoption records, the birth parent record of a child relinquished for adoption, and the out-of-home care record for a child removed from their birth family and not returned, are all retained indefinitely.

4.2.2 Out-of-Home Care – Family Reunited

When a family is reunited after a child was previously in placement, that record shall be destroyed ten years from the date of the last closing.

NOTE: For the two situations described above:

- Any authorizations for services may be destroyed at the time the record is closed.
- Any adoption subsidy forms may be destroyed one year after termination or the renegotiations of the new contract.

4.2.3 Foster/Relative Resources

Foster/relative parent records shall be destroyed five years after closing. Any application submitted and withdrawn by a foster/relative parent shall also be destroyed after five years, as shall any rejected foster/relative parent assessment.

Retain forever any foster/relative parent record in which the foster/relative parent has adopted a child in his/her care, who was previously in the custody of the Division.

4.2.4 Potential Adoptive Resource

Destroy an adoptive family record five years after closing, if no placement has occurred.

Destroy in five years those adoptive applications that have been withdrawn, and those family assessments that have been rejected.

NOTE: NEVER DESTROY AN ADOPTIVE FAMILY RECORD FOR A FAMILY WHO ADOPTED A CHILD PREVIOUSLY IN THE CUSTODY OF THE DIVISION, OR ANY OTHER PUBLIC OR PRIVATE AGENCY.

NOTE: CA/N report materials in any file will be expunged according to policy previously described in 4.1.

4.2.5 Cases Opened for Non-CA/N Reasons

If the case was opened due to non-CA/N reasons (i.e., Preventive Services Referral, Newborn Crisis Assessment, Non-caretaker, and Court Involved records where no CA/N report exists) destroy the case record five years after the closing date.

MEMORANDA HISTORY: CD04-67, CD04-79